

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v.-

JAMAL SIMON,

Defendant.

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC#

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FILED

SEP 10 2019

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U.S. DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

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9/10/19
CONSENT PRELIMINARY ORDER OF
FORFEITURE/MONEY JUDGMENT

: 18 Cr. 339 (PAC)

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WHEREAS, on or about May 14, 2018 JAMAL SIMON (the "defendant"), was charged, among others, in a five-count Indictment, 18 Cr. 339 (PAC) (the "Indictment"), with conspiracy to commit access device fraud, in violation of Title 18, United States Code, Section 1029(b)(2) (Count One); conspiracy to commit wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Two); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b) and 2 (Count Three); and with wrongfully obtaining individually identifiable health information, in violation of Title 42, United States Code, Section 1320d-6(a)(2) and (b)(3) (Counts Four and Five);

WHEREAS, the Indictment included a forfeiture allegation as to Count Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(c) and Title 28, United States Code, Section 2461, any and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of the offense charged in Count Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense in Count Two of the Indictment, that the defendants personally obtained;

WHEREAS, on September 6, 2019, the defendant pled guilty to Counts Two through Four of the Indictment and admitted the forfeiture allegation as to Count Two of the Indictment,

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pursuant to an plea agreement with the Government, wherein the defendant admitted the forfeiture allegation with respect to Count Two of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from, proceeds traceable to the commission of the offense, including but not limited to a sum of money equal to \$500,000, representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Indictment, that the defendant personally obtained;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$500,000.00 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the defendant personally obtained; and

WHEREAS, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count Two of the Indictment that the defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney Robert B. Sobelman, of counsel, and the defendant, by and through his counsel, Albert Y. Dayan, Esq., that:

1. As a result of the offense charged in Count Two of the Indictment, to which the defendant pled guilty, a money judgment in the amount of \$500,000.00 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment, that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, JAMAL SIMON, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the defendant's name and case number and the United States shall be authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. Upon execution of this Consent Preliminary Order of Forfeiture/Money Judgment, and pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the payment on the Money Judgment in the Assets Forfeiture Fund ("AFF"), and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable

property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 (e) of the Federal Rule of Criminal Procedure.

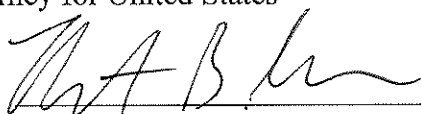
8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. A facsimile or electronic image of the original signature of any party executing this Consent Preliminary Order of Forfeiture/Money Judgment shall be deemed an original signature and shall constitute an original as against the party whose signature appears in the facsimile or electronic image.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN
United States Attorney for the
Southern District of New York
Attorney for United States

By:



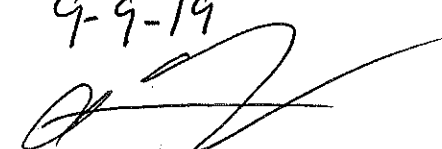
ROBERT B. SOBELMAN
Assistant United States Attorney
One Saint Andrew's Plaza
New York, NY 10007
Office: (212) 637-2616
Fax: (212) 637-0084

9/6/19
DATE


JAMAL SIMON
Defendant

By


JAMAL SIMON


9-9-19

DATE

By:


Albert Y. Dayan, Esq.,
(Counsel for the Defendant)
80-02 Kew Gardens Road
Kew Gardens, New York 11415
Office: (718) 293-4900
Fax: (718) 268-9404

9-9-19
DATE

SO ORDERED:


HONORABLE PAUL A. CROTTY
UNITED STATES DISTRICT JUDGE

9/9/2019
DATE